IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22725 of 2004

Between:

Puskuri Ravinder Rao, S/o. P. Suryaprakasa Rao,
R/o. 24-155, Ashok Road, Mancherial, Adilabad District.

..... PETITIONER

AND

1 Deputy Superintendent of Police, Mancherial, Adilabad District.
2 Mr. Shekar, C/o. Station House Officer, Mancherial, Adilabad District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or orders more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent so far as instigating the 2nd respondent to search the residence of the petitioner with a team consisting of 4 to 5 constables without any reason or cause on 3.12.2004, at about 6-30 P.M. as amounting to highly arbitrary, illegal, unconstitutional and consequently to direct the 1st respondent to take appropriate departmental action against the 2nd respondent forthwith and pass such other or further orders.

Counsel for the Petitioner: MR.GOPALA KRISHNA KALANIDHI

Counsel for Respondent No.1: GP FOR HOME

Counsel for Respondent No.2: None appeared

The Court at the stage of admission made the following ORDER:

Petitioner states that he is being harassed by the respondents, though no complaint is filed against him, much less any case was registered. The petitioner has referred to the instances of his having been called to the police station and indiscriminate sending of police constables to his residence. He also states that the first respondent has made telephonic calls threatening him.

A counter-affidavit is filed on behalf of the respondents denying the allegations made by the petitioner.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The very necessity for the petitioner to approach this Court discloses that he was subjected to harassment though not up to the degree referred to in the affidavit. The necessity to enquire into the allegations made by the petitioner against the respondents is obviated for the reason that the respondents have denied of having interfered with the rights of the petitioner.

Be that as it may, the respondents do not have unbridled power to interfere with the freedom and rights of the individuals. It is only when a specific complaint is made or when a case is registered that they can require the citizens to attend the police stations or to undertake investigation. Unauthorized interference with the rights of the citizens amounts to illegality and if it is proved it may entail in

further legal action.

The statement made on behalf of the respondents is recorded and the writ petition is disposed of directing that the respondents shall not interfere with or otherwise harass the petitioner, except where specific complaint is received against him alleging commission of crime punishable under relevant provision of law. No order as to costs.

28.12.2004

ksld

To

1. The Deputy Superintendent of Police, Mancherial, Adilabad District.

2. Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, A.P., Hyderabad, (OUT).

3. Two C.D. Copies.